

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

REAL PROPERTY AND
IMPROVEMENTS IDENTIFIED BY
MENDOCINO COUNTY APN 051-180-08,
051-190-05, 052-010-01, 052-010-02, 052-
010-03, 052-010-09, 052-010-14, 052-010-
15, 052-010-16, 052-010-17; REAL
PROPERTY AND IMPROVEMENTS
IDENTIFIED BY HUMBOLDT COUNTY
APN 222-024-003, 222-025-003
Defendants.

No. 08-3093 WHA

SETTLEMENT AGREEMENT AND
STIPULATED REQUEST FOR DISMISSAL
(and) ORDER

Diana Mendes,
Claimant.

The parties stipulate and agree as follows:

1. Plaintiff is the United States of America ("United States"). Defendants are parcels of real property located in Mendocino County, identified by Mendocino County Assessor's Parcel Numbers APN 051-180-08, 051-190-05, 052-010-01, 052-010-02, 052-010-03, 052-010-09, 052-010-14, 052-010-15, 052-010-16, 052-010-17 and real property located in Humboldt County,

1 identified by Assessor's Parcel Numbers APN 222-024-003, 222-025-003 (hereinafter
2 "defendant real property"). Lost Paradise Land Corporation was the owner of record for the
3 defendant real property. After proper notification and publication was given, Diana Mendes, a
4 lien holder on the defendant property (the "claimant") was the only person or entity to file a
5 timely Claim to the defendant real property in this action.¹ As a result, only the claimant has a
6 right to defend the defendant real property. The United States and the claimant are hereafter
7 referred to as the "parties" in this document which is hereinafter referred to as the "Agreement."

8 2. After full and open discussion, the parties agree to resolve any and all claims by
9 the plaintiff against the defendant real property, as well as against any and all past and present
10 officials, employees and agents of the United States, including those at the United States
11 Department of Justice, arising out of the facts alleged in the Complaint for Forfeiture filed on or
12 about June 26, 2008.

13 3. The parties agree that the resolution of the lawsuit is based solely on the terms
14 stated in this Agreement. It is expressly understood that this Agreement has been freely and
15 voluntarily entered into by the parties. The parties further agree that there are no express or
16 implied terms or conditions of settlement, whether oral or written, other than those set forth in
17 this Agreement. This Agreement shall not be modified or supplemented except in writing signed
18 by the parties.

19 4. The parties further agree that this Agreement does not constitute precedent on any
20 legal issue for any purpose whatsoever, including all administrative proceedings and any
21 lawsuits.

22 5. The parties agree that claimant releases and discharges and holds harmless the
23 United States, as well as any past and present officials, employees, agents, attorneys, their
24 successors and assigns, from any and all obligations, damages, liabilities and demands of any
25 kind and nature whatsoever, whether suspected or unsuspected, at law or in equity, known or
26 unknown, arising out of the facts alleged in plaintiff's Complaint for Forfeiture.

27 ¹ During the pendency of this action Diana Mendes foreclosed on the defendant real
28 property and is now the owner of record.

6. Claimant does not contest that the United States has sufficient evidence to support the forfeiture of the interests of Lost Paradise Land Corporation in the defendant real property. Claimant also recognizes that real property used or intend to be used, in any manner or part, to facilitate the commission of a violation of Title 21, United States Code, Section 841, is subject to forfeiture pursuant to Title 21, United States Code, Section 881(a)(7).

7. The United States and claimant agree that each party shall pay its own attorneys' fees and costs.

8. Based on the foregoing Agreement between the United States and claimant, the parties agree that, subject to the Court's approval, this action against the defendant real property located in Mendocino County, identified by Mendocino County Assessor's Parcel Numbers APN 051-180-08, 051-190-05, 052-010-01, 052-010-02, 052-010-03, 052-010-09, 052-010-14, 052-010-15, 052-010-16, 052-010-17 and real property located in Humboldt County, identified by Assessor's Parcel Numbers APN 222-024-003, 222-025-003 hereby is DISMISSED.

IT IS SO STIPULATED:

MELINDA HAAG
United States Attorney

Dated: February 22, 2011


SUSAN GRAY
Assistant United States Attorney

Dated: February 18, 2011


JONATHAN HOWDEN
Attorney for Claimant Diana Mendes

Dated: February 22, 2011


DIANA MENDES
Claimant

BASED ON THE FOREGOING STIPULATION, IT IS SO ORDERED ON THIS FIRST DAY OF ~~FEBRUARY~~, 2011.
MARCH


HONORABLE WILLIAM ALSUP
United States District Judge